

WILLIAM HUNTER.

FEBRUARY 29, 1840.

Laid upon the table.

Mr. GIDDINGS, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, to whom was referred the petition of William Hunter, a clerk in the office of the Fourth Auditor, claiming compensation for extra services rendered therein, report:

The petitioner states that he has in charge the registering of the requisitions of the Navy Department on the Secretary of the Treasury, the correspondence connected therewith, and the preparation of reports, both general and special. In addition to which, he has settled and adjusted, since his appointment in 1829, all the navy and privateer pension accounts, until the passage of the act of the 3d of March, 1837, extending the benefits of those pensions to so many cases as to render it impossible for him to execute its duties without assistance. That there was paid by the Government for the execution of these duties \$1,000 a year to the requisition clerk, (exclusive of preparing the special reports,) and \$1,400 to the clerk who settled the navy and privateer pension accounts, with an extra allowance out of the navy pension fund, of \$250 per annum; making, in the whole, \$2,650, besides other perquisites; and that for all the services the petitioner has rendered, he has only received \$1,400 per year. That the state of the business in the office did not permit an immediate reduction of the number of clerks employed, (which afterwards took place,) but that still a clear saving of several thousand dollars has been made to the Government, by doubling the duties of the petitioner. That by the passage of the act of June 19, and also of June 30, 1834, extending the navy and privateer pensions, his labors were greatly increased; whereupon, in consideration of his increased services, he solicited the Secretary of the Navy to allow him the small allowance which had been made to others, of \$250 per annum; but this the Secretary refused to do. That since the passage of the act of the 10th July, 1832, constituting the Secretary of the Navy the sole commissioner of the navy, privateer, and hospital funds, the settlement of these accounts (in addition to his other duties) has been required of him, *without authority of law*; and for which a reasonable compensation should be allowed him, beyond the amount of his annual salary, which is \$1,400. That he has made out and presented his account for such increase of compensation to the said Secretary, but he has declined making any extra allowance. Under these circumstances he appeals to Congress, in full confidence that he will receive at their hands that justice which his faithful services entitle him to expect.

The committee entertain no doubt that the petitioner has faithfully and assiduously applied himself to the discharge of the duties assigned him as clerk, for which he is entitled to such compensation as was expected and agreed upon when he entered upon the duties of his office.

On a former occasion the Committee of Claims remarked, that "There is an implied understanding, in the absence of express agreement, by every incumbent, when he enters upon the duties of his station, that his time and capacity shall be devoted to his official duties, with the exception of such time as shall be necessary for refreshment and repose; if more is exacted, he may decline the service, and with it his office.

"Sound policy, as well as regard to principle, should dictate such a course. Liabilities of the Government should not be made to depend upon the unexpressed expectations of those in their employ for a compensation for alleged services not secured or stipulated for at the time they were rendered."

There are cases in which it becomes the duty of Government to make allowances for services not coming within the scope of the implied understanding of the person who undertakes the discharge of official duties; as when, by extraordinary efforts and exertions, he renders essential and important services, entirely unconnected with the duties of his office, and in no sense connected therewith. In such cases the Government have frequently allowed pay for extra services.

The petitioner performed services in the office of the Fourth Auditor of the Treasury, which he thinks were not imposed upon him by law; that they were neither assigned to him by express statute, nor by any officer having legal authority to require of him the discharge of those duties. The committee, however, entertain the opinion that those duties were legitimately imposed upon the petitioner; and although they may have been somewhat onerous, yet they were, notwithstanding, his legitimate duties, so far as the proofs enable the committee to judge. Such also appears to have been the opinion of the Secretary of the Treasury and of the Attorney General.

The committee therefore recommend to the House, for adoption, the following resolution:

Resolved, That said claim ought not to be allowed.